



PUBLIC NOTICE

Federal Communications Commission
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DA 05-278

RELEASED: February 1, 2005

**PLEADING CYCLE ESTABLISHED FOR COMMENTS ON
PETITION OF KMC TELECOM OF VIRGINIA, INC., KMC TELECOM V OF VIRGINIA,
INC., AND KMC DATA LLC FOR PREEMPTION PURSUANT TO SECTION 252(e)(5)**

WC DOCKET NO. 05-39

Comments Due: February 11, 2005
Reply Comments Due: February 18, 2005

On January 4, 2005, KMC Telecom of Virginia, Inc., KMC Telecom V of Virginia, Inc., and KMC Data LLC (collectively KMC) filed a petition pursuant to section 252(e)(5) of the Communications Act and section 51.803 of the Commission's rules for preemption of the jurisdiction of the Virginia State Corporation Commission (SCC). KMC requests that the Commission issue an order preempting the jurisdiction of the SCC for failing to act on a specific request for arbitration of an interconnection agreement with Sprint pursuant to section 252(b) of the Act.

KMC specifically requests that the Commission issue a preemption order and assume jurisdiction over all unresolved issues and to arbitrate this matter in accordance with section 252(a)(2).

This public notice establishes certain procedural requirements relating to consideration of KMC's petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200, 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. See 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules, 47 C.F.R. § 1.1206(b).

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on Verizon's petition on or before **February 11, 2005**, and reply comments on or before **February 18, 2005**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. One courtesy copy must be delivered to Janice M. Myles at the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, 445 12th Street, SW, Suite 5-C140, Washington, DC 20554, or via e-mail, janice.myles@fcc.gov, and one copy must be sent to Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160, or via e-mail, fcc@bcpiweb.com.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg.

24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send e-mail to ecfs@fcc.gov, and should include the following words in the subject line "get form <your e-mail address>." A sample form and directions will be sent in reply.

Parties that choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

Filings and comments will be available for review and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at fcc@bcpiweb.com.

For further information regarding this proceeding, contact Marcus Maher, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or via email, marcus.maher@fcc.gov. The TTY number is (202) 418-0484.

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